



September 5, 2012

VIA ELECTRONIC COMMENT FILING SYSTEM (ECFS)

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: *National Cable & Telecommunications Association Petition for Declaratory Ruling and Conditional Petition for Forbearance, WC Docket No. 11-118: Ex Parte Communication*

Dear Ms. Dortch:

On September 5, 2012, I participated in separate telephone conversations with Angie Kronenberg, legal advisor to Commissioner Mignon Clyburn, and Holly Saurer, legal advisor to Commissioner Jessica Rosenworcel. During the conversations, we discussed the draft order currently being circulated regarding the pending petitions filed by the National Cable & Telecommunications Association concerning Section 652 of the Communications Act of 1934, as amended.

During the calls, I expressed my continued support for the written comments NATOA previously filed in this proceeding and my continued belief that the language of Section 652(b) clearly limits mergers between cable companies and *all* local telephone companies within their respective service areas. It is my understanding that the draft order supports this position.

However, I questioned the need to grant NCTA's forbearance petition based on my understanding that there appears to be only one documented case in which a cable company has even sought a waiver from Section 652. I voiced concern that any preemption of LFA authority in this order could potentially be carried over to other areas where LFA approval is required. It is my understanding, however, that LFAs may still participate – to some degree – in section 214 reviews and that local franchise agreements could require LFA approval of mergers between cable operators and CLECs. In addition, it is my understanding that the proposed order retains the requirement for LFA approval of mergers between cable operators and ILECs.

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Pursuant to Commission rules, please include a copy of this notice in the record for the proceeding noted above.

Sincerely,
/s/ Steve Traylor
Executive Director
NATOA

cc: Angie Kronenberg
Holly Saurer